

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 283 OF 2010

Monday this the 28th day of November, 2011

CORAM:

**HON'BLE Dr. K.B.S. RAJAN, JUDICIAL MEMBER
HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER**

R. Surendran, S/o. Raghavan Pillai
GDS Branch Postmaster, Nettayam
Residing at Vengavila Veedu
Nettayam (P.O), Poorappally
Kottarakara.

- Applicant

(By Advocate Mr. P.C. Sebastian)

Versus

1. The Senior Superintendent of Post Offices
Kollam Division,
Kollam – 691 001.
2. The Chief Postmaster General
Kerala Circle,
Thiruvananthapuram – 695 033.
3. The Union of India represented by its
Secretary, Ministry of Communications
Department of Posts, New Delhi.

- Respondents

(By Advocate Mr. M.V.S. Nampoothiry, ACGSC)

The application having been heard on 14.10.2011, the Tribunal
on 28.11.2011...delivered the following:

ORDER

HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant has filed this Original Application seeking the following main reliefs :

(i) To declare that applicant was entitled to have the TRCA which he was actually drawing as GDS MD at the time of his transfer as GDS BPM protected and to issue appropriate order/direction to the respondents to restore his TRCA to the rate which he was actually drawing at the time of his transfer as GDS BPM with consequential benefit of arrears due thereon.

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(ii) To direct the respondents to continue to draw TRCA to the applicant as granted in the month of November, 2009.

2. The applicant joined as Gramin Dak Sevak Mail Deliverer (GDS MD) at Nettayam on 02.05.1988. When a vacancy arose in the post of Branch Postmaster, Nettayam, he applied for a transfer on 14.08.2006 as he has become a heart patient by then. However, his request was turned down. He, therefore, approached this Tribunal in O.A 96/2007 and it was allowed. When he joined the post on 12.07.2007 as GDS BPM, he was drawing Rs. 2010/- as TRCA (Time Related Continued Allowance) in the scale of pay of Rs. 1740-30-2640. He has earned nine increments in that scale. When he joined as GDS BPM, his TRCA was reduced to the minimum in the scale of Rs. 1280-35-1980 due to the fact that his appointment is considered as fresh appointment (Annexure A-4).

3. The applicant avers that he was transferred to another post in the same recruiting unit, pay drawn by him in his previous post should have been protected in the new post as was held by this Hon'ble Tribunal in a Full Bench decision. He produced Annexure A-5, a copy of the order dated 21.08.2009 in O.A No. 148/2009 filed before this Tribunal, wherein an identical issue was held and pay protection allowed. He, therefore, submitted Annexure A-7 representation for similar action in fixation of his TRCA. However, respondents are yet to take any action on his representation. On receipt of Shri R. Nataraja Murthy Commission Report for all categories of GDS, the allowance attached to his post as GDS BPM also underwent a change. He was granted basic TRCA at the rate of Rs. 4745/- in the scale of



Rs. 4745-85-7125 (Annexure A-8). He received this TRCA till December, 2009. However, this was again revised in the month of January, 2010 and his TRCA was reduced to Rs. 2845/- in the scale of Rs. 2745-50-4245 (Annexure A-9). The applicant was not given any notice or reason for such reduction, recovery was ordered. Under such circumstances, he filed the present O.A on 30.03.2010. The interim order was given permitting him to draw the TRCA which he was paid from November, 2009 onwards.

4. The respondents submitted in the reply statement that his TRCA was reduced consequent on a transfer from GDS MD to GDS BPM, Nettayam Post Office. They added that he filed this O.A, he knew perfectly well that such reduction will be caused. As far as his request for restoration of his TRCA to the amount, which was paid in November, 2009 it was reduced when certain clarificatory orders were received from the 3rd respondent on the implementation of the pay scales as recommended by Shri R. Nataraja Murthy Commission. The respondents have filed Writ Petitions in 8 Original Applications in respect of the same issue of reduction of TRCA in various offices before the Hon'ble High Court of Kerala. They stated that the judgment of the Hon'ble High Court in this regard will be implemented in respect of the applicant also.

5. Heard the counsel for the parties and perused the documents.

6. It is settled law that the GDS on transfer to another Post Office at request is entitled to pay protection in the lower TRCA attached to the main post to the extent of the maximum in the lower TRCA. Hence, there is force in



the contention of the applicant that this benefit was not extended to him. We have no hesitation in declaring that the applicant is entitled to protection of pay in the TRCA drawn in the erstwhile post GDS MD in the present post of GDS DPM, Nettayam in the scale of Rs. 1280-35-1980 upto Rs. 1980/- . The emoluments drawn by him in the higher TRCA of Rs. 1740-30-2640 was Rs. 2010/- but in the new post, the protection shall be only upto 1980/-. With regard to the 2nd relief he has prayed for, he continued to get the higher TRCA effected in the post of GDS BPM, Nettayam on implementation of Shri R. Nataraja Murthy Commission Report on revision of TRCA on the strength of the interim relief from this Tribunal. The Original Applications stand dismissed. Therefore, the TRCA in the present post of BPM will be on the replacement scale, as recommended in Shri R. Nataraja Murthy Commission and as clarified by the Postal Directorate. This may undergo a change depending on the points awarded on the basis of fresh assessment of workload.

7. In the above facts and circumstances of the case, O.A is allowed. The permissible TRCA will be Rs. 1980/ in the scale of Rs. 1280-35-1980. The new TRCA in the present post will be refixed as per the clarification by the Postal Directorate. The interim relief permitting him to draw his TRCA in the revised scale of Rs. 4745-85-7125 is vacated. In the event of the maximum of TRCA being more than Rs. 2010/- under the new TRCA when refixed, needless to mention that the applicant would be entitled to protection upto Rs. 2010/-, which was the last TRCA drawn by him in the post of GDS MD, Nettayam in the scale of Rs. 1740-30-2640. No costs.


K. NOORJEHAN
ADMINISTRATIVE MEMBER

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Dr. K.B.S. RAJAN
JUDICIAL MEMBER